

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

FREDERIC LEPPER

Petitioner,

v.

LOIS RUSSO,

Respondent.

Civil Action No. 04-11879-MLW

**MOTION OF THE RESPONDENT TO ENLARGE THE TIME
FOR FILING A MEMORANDUM**

The respondent, Lois Russo, Superintendent of Souza-Baronowski Correctional Center at Shirley, Massachusetts, through counsel, respectfully moves this Court to enlarge the time in which to file a memorandum in opposition to the petition for writ of habeas corpus to December 22, 2006. No further extensions will be necessary.

Respondent's counsel has been working on the memorandum in the above cited matter but was sidetracked by several pressing responsibilities including hearings in Boston and Springfield in habeas corpus cases, Delgado v. Dennehy, No. 04-30124-MAP; Silfredo Ali v. Commonwealth of Massachusetts, No. 04-30005-MAP and Melton v. Russo, No. 05-10905-GAO. Undersigned counsel also researched and drafted answers, oppositions to motions and merits memoranda in other cases including Patnod v. Nolan, C.A. No. 04-10865-GAO; Alves v. Russo, No. 06-11090-PBS and Lanoue v. Dennehy, C.A. No. 06-40134-FDS;

In addition the respondent's counsel is scheduled for oral argument in the United States Court of Appeals for the First Circuit in early December in a habeas corpus appeal,

Josselyn v. Dennehy, No. 05-2405.

WHEREFOR, the respondent respectfully moves this Court to enlarge the time for filing a memorandum of law in opposition to the petition to December 22, 2006.

Respectfully submitted,

**THOMAS F. REILLY
ATTORNEY GENERAL**

**/s/ Annette C. Benedetto
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CERTIFICATE OF CONSULTATION

Pursuant to Local Rule 7.1 (A) (2) , the respondent's attorney certifies that she spoke with the petitioner's counsel who indicated that he would take no position on the above motion.

**/s/ Annette C. Benedetto
Annette C. Benedetto
Assistant Attorney General**

CERTIFICATE OF SERVICE

I hereby certify that this document filed through the Electronic Case Filing system will be sent electronically to the registered participants as identified on the Notice of Electronic Filing and paper copies will be sent to those indicated as non-registered participants on the date set forth below.

November 17, 2006

**/s/ Annette C. Benedetto
Annette C. Benedetto**